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Paper No. 11

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SEP - 5 2002

In re Application of)
Richard L. Eby et al.)
Application No. 08/908,872)
Filed: August 8, 1997)
For: ELECTRICAL CONNECTOR WITH)
PLANAR CONTACT ENGAGING)
SYSTEM)

DECISION ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.181, filed June 11, 2002, to withdraw the holding of abandonment of the above-identified application.

The petition is DISMISSED.

This application was held abandoned for failure to respond in a timely manner to the final Office action mailed June 16, 1999. A Notice of Abandonment was mailed on February 15, 2000.

Petitioner states that a response was in fact timely filed. The response was the filing of a Continued Prosecution Application (CPA). To support this assertion, petitioner has submitted a copy of a return postcard which acknowledges receipt of a CPA, a petition for an extension of time of three (3) months and an extension of time fee of \$ 870.00 on December 10, 1999. A copy of the response was submitted with the petition.

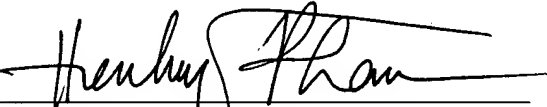
Pursuant to the Manual of Patent Examining Procedure (M.P.E.P.), section 711.03(c)(I), page 700-139 (Eighth Edition, August 2001), any petition not filed within 2 months of the mail date of a notice of abandonment may be dismissed as untimely. See 37 C.F.R. § 1.181(f). The Office may treat an untimely petition to withdraw the holding of abandonment on its merits on the condition that the petition is accompanied by a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted thereon that would extend beyond the twenty years from the filing date of the application, or the earliest application to which the application specifically refers under 35 U.S.C. 120, 121, or 365(c).

Because the petition was filed more than two years from the mail date of the notice of abandonment and was not accompanied by a terminal disclaimer, it is dismissed as untimely.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS of the date of this decision.

The application file does not indicate a change of address has been filed in this case, although the address given on a paper filed differs from the address of record. Petitioner's attention is directed to Section 601.03 of the M.P.E.P. concerning change of correspondence address. The attorney or agent is responsible for promptly notifying the Office of any change of address. The notification should be provided in such a manner as to call attention to the fact that a change of address is being made. The mere inclusion, in a paper being filed for another purpose, of an address which is different from the previously provided correspondence address, without mention of the fact that an address change is being made, would not ordinarily be recognized or deemed as instructions to change the correspondence address on the file records.

A courtesy copy of this decision is being mailed to the address listed on the petition. However, no further communication will be directed to this address until a proper change of address is made.



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